

United States District Court
for the
Eastern District of New York

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT, E.D.N.Y.
★ MAR 15 2005 ★

Request for Modifying the Conditions or Term of Supervision **BROOKLYN OFFICE**
with Consent of the Offender
(*Probation Form 49, Waiver of Hearing is Attached*)

Name of Offender: Brian Rodriguez Case Number: 96-CR-586-01

Name of Sentencing Judicial Officer: The Honorable John Gleeson, United States District Judge

Date of Original Sentence: May 23, 1997

Original Offense: Count 1: 21 USC 846 and 841(b)(1)(B) Conspiracy to Possess With Intent to Distribute Cocaine, a class B felony; Count 2: 21 USC 841(a)(1) and 841(b)(1)(B), Possession With Intent to Distribute Cocaine, a class B felony, and Count 3: 21 USC 841(a)(1) and 841(b)(1)(c), Possession With Intent to Distribute Heroin, a class C felony

Original Sentence: One-hundred and twenty-one months on each of Counts 1, 2, & 3 to run concurrently, five years supervised release, \$300 Special Assessment Fee, additional condition to possess no firearm or destructive device

Type of Supervision: Supervised Release Date Supervision Commenced: July 15, 2005

PETITIONING THE COURT

- To extend the term of supervision for years, for a total term of years.
- To modify the conditions of supervision as follows:

The defendant shall participate in a mental health program for evaluation and/or treatment purposes, including medication if necessary, as arranged by the U.S. Probation Office until duly discharged by authorized program personnel with the approval of the U.S. Probation Officer

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CAUSE

The offender has been under the supervision of the United States Probation Office of the District of Puerto Rico since his release from custody on July 15, 2005. According to U.S. Probation Officer Orlando Rullan, the offender has maintained a secure residence and employment. USPO Rullan, advises, however, that the offender indicates he has been experiencing feelings of depression and anxiety, and has agreed to undergo a mental health evaluation and/or treatment as outlined in the enclosed Waiver of Hearing. We recommend the imposition of this special condition.

Space is provided below for the Court's directive in this matter.

Respectfully submitted by,

Carolann Avallone-Riccardi
Carolann Avallone-Riccardi
U.S. Probation Officer
Date: 2/27/06

Approved by,

Andrew S. Bobbe
Andrew S. Bobbe
Deputy Chief U.S. Probation Officer
Date: 2/27/06

THE COURT ORDERS:

The Modification of Conditions as Noted Above
 The Extension of Supervision as Noted Above
 No action
 Other

s/John Gleeson

Signature of Judicial Officer

3/3/06

Date

UNITED STATES DISTRICT COURT
FOR THE
District of Puerto Rico

**Waiver of Hearing to Modify Conditions
of Probation/Supervised Release or Extend Term of Supervision**

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

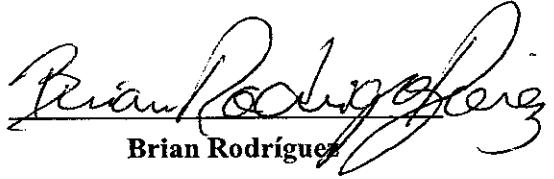
"The defendant shall participate in the mental health program for evaluation and/or treatment purposes, including medication if necessary, as arranged by the U.S. Probation Office until duly discharged by authorized program personnel with the approval of the U.S. Probation Officer."

Witness:



Orlando Rullán
U.S. Probation Officer

Signed:



Brian Rodríguez

11/17/05
Date